LIBRARY
SUPREME COURT, U.S.

Office - Supreme Court, U. S.
FILED
MAR 23 1953
HAROLD B. WILLEY, Clerk

No. 548

IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

HARRY RENTON BRIDGES, HENRY SCHMIDT and J. R. ROBERTSON,

Petitioners,

v.

UNITED STATES OF AMERICA.

PETITION FOR ENLARGEMENT OF SCOPE OF REVIEW ON CERTIORARI

TELFORD TAYLOR
New York, N. Y.
NORMAN LEONARD
San Francisco, Cal.
Counsel for Petitioners.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

No. 548

HARRY RENTON BRIDGES, HENRY SCHMIDT and J. R. ROBERTSON,
Petitioners,

v.

UNITED STATES OF AMERICA.

PETITION FOR ENLARGEMENT OF SCOPE OF REVIEW ON CERTIORARI

Come now petitioners above-named and hereby apply for an order enlarging the scope of review as defined by the order of this Court granting certiorari on March 9, 1953.

1.

On January 14, 1953, petitioners filed a petition for a writ of certiorari to review a judgment of the United States Court of Appeals for the Ninth Circuit affirming judgments of conviction in the United States District Court for the Northern District of California. In said petition three questions were presented for review:

1. Whether, in view of prior adjudications (including the determination of this Court in *Bridges* v. *Wixon*,

326 U. S. 135), this proceeding is barred, in whole or in part, by the principles of *res judicata*, or estoppel, or the due process clause of the Fifth Amendment.

2. Whether this proceeding is barred by the statute of limitations.

3. Whether, in four particular and important respects, petitioners were denied a fair trial.

II.

On March 9, 1953, this Court made an order granting the writ limited, however, to Questions 1 and 2.

III.

Petitioners respectfully urge that the issues embraced under Question 3 are important and substantial questions which affect the administration of criminal justice in the courts of the United States, and, as more fully set out in the petition for certiorari (pp. 19-23), that the rulings of the court below are in conflict with the decisions of other courts of appeal and with the principles enunciated by this Court in *Kotteakos* v. *United States*, 328 U. S. 750; *Bollenbach* v. *United States*, 326 U. S. 607; and *Bihn* v. *United States*, 328 U. S. 633.

IV.

Apparently, under the rulings of this Court, the petitioners and this Court will be foreclosed from considering the issues raised under Question 3, unless this petition be filed;

For example, in *Dennis* v. *United States,* 341 U. S. 494 at 518, Mr. Justice Frankfurter pointed out "that no attempt was made to seek an enlargement of the range of questions" specified in the limited grant of certiorari in that case, and therefore "these alone are now open for our consideration". See also the dissenting opinion by Mr. Justice Black in that case, at page 581.

V.

Petitioners respectfully call the Court's attention to that portion of Question 3, as set forth in the petition (pp. 19-20), which deals with the exclusion from evidence, at the trial, of this Court's opinion in *Bridges* v. *Wixon,* 326 U. S. 135. It is apparent that this particular issue is closely related to the issues presented by Question 1 of the petition, relating to prior adjudications, including the determination by this Court in *Bridges* v. *Wixon, supra.* In view of this close relationship, petitioners respectfully urge that the Court should not be foreclosed from consideration of all aspects of the problem.

WHEREFORE, petitioners pray that the Court make an order enlarging the scope of review so that all questions presented by the petition for certiorari, particularly that relating to the exclusion from evidence of *Bridges* v. *Wixon,* may be considered.

Respectfully submitted.

TELFORD TAYLOR

NORMAN LEONARD

Counsel for Petitioners.

Certificate of Counsel

We hereby certify that the foregoing petition is presented in good faith and not for delay.

TELFORD TAYLOR

NORMAN LEONARD

Counsel for Petitioners.

March 21, 1953